

RESPONSE ACCOMPANYING REQUEST FOR CONTINUING EXAMINATION

Serial No. 09/898,655

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REMARKS

Status of Claims

Claims 1, 11, and 13 have been amended. No claims have been added or canceled.

Claims 1–17 remain pending in the application. Applicant requests reconsideration of the application as amended.

Explanation of the Support in the Disclosure For the Changes Made to the Claims

In Claim 1, an occurrence of “which” has been changed to the grammatically correct “that.” Also, the phrase “housing shaped like a portion of a sphere” has been changed to “housing in the shape of a portion of a sphere.” Support for these amendments is found in FIGS. 1, 5, and 6 of the drawings.

In Claim 11, the order in which the element “opening in the housing” is introduced has been changed to insure that the term “coupler device” has proper antecedent basis. Since only the order in which the elements of the claim are introduced has been changed, and no substantive amendment has been made, it is not necessary to point to specific support in the disclosure for this amendment.

Claim 13 has been amended to recite that the housing has a curved inner surface. Support for this amendment is found in FIGS. 1, 5, and 6 of the drawings and in the specification at, *e.g.*, col. 3, lines 27–28.

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Status of Prosecution

A final action was issued in the referenced application on December 19, 2002.

Accompanying this Response is a Request for Continued Examination (37 C.F.R. § 1.114) and associated filing fee. Also accompanying this Response is a Request for a three-month extension of time and associated fee. Accordingly, this Response is timely filed.

Applicants have previously filed a request for an advisory action on January 21, 2003.

An Advisory Action was issued on April 10, 2003. The Examiner stated that Applicants' submission of January 21, 2003 did not place the application in condition for allowance.

Although Applicant's response was filed within two months after receipt of the final action, the Examiner refused to reset the period for response to three months from the date of the Advisory Action. While the Examiner did not specifically state that he declined to enter the amendments, it is assumed from the Examiner's statements that the amendments did not comply with 37 C.F.R. §1.173(b) that the amendments were not entered. The Examiner also objected on the ground that 37 C.F.R. §1.173(c) requires a statement as to the status of the claims and an explanation of support in the disclosure for any changes on a sheet separate from the amendments to the claims.

Applicants do assume, however, absent any representation to the contrary, that the Examiner entered the Declaration As To Loss Or Inaccessibility Of The Original Patent and the Supplemental Reissue Declaration, both of which were submitted on January 21, 2003.

The foregoing amendments are believed to comply with 37 C.F.R. §1.173(b) and (d).

The status of the claims and the support in the disclosure for any changes appears on a sheet

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separate from the amendments. Thus the requirements of 37 C.F.R. §1.173(c) are also believed met.

Requirement to Surrender Original Patent

In compliance with the requirement of 37 CFR 1.178 that the original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed, Applicant submitted a declaration as to loss or inaccessibility of the original patent on January 21, 2003.

Requirement for Supplemental Reissue Oath/Declaration

In accordance with 37 CFR 1.175(b)(1), a supplemental reissue declaration was submitted on January 21, 2003. The supplemental reissue declaration states that every error in the patent that was corrected in the present reissue application and is not covered by a prior oath or declaration submitted in this application arose without any deceptive intention on the part of the applicants.

“Indefiniteness” Rejections Under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected Claims 1 and 11–17 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, in Claim 1, the term “shaped like” (emphasis in Office Action) is alleged to render the metes and bounds of the claim difficult to determine. Claim 1 has now been amended to delete the word “like,” and a rejection based upon indefiniteness is now moot.

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The phrase "denotes exactly one half of a sphere" appears at the bottom of Page 2 of the Office Action. The clause appears to be left over from a previous Office Action as the result of a word processing error, as the clause otherwise has no context and no meaning. If Applicants are incorrect in this assumption, a new Office Action explaining the meaning of this clause and resetting a period for response is respectfully requested.

The Examiner has rejected Claim 11 because "said coupler device" lacks antecedent basis, and the relationship of "a coupler device" to a previously recited "coupler device" is unclear. This rejection is overcome by the foregoing amendments.

The Examiner has rejected Claim 13 because "the curved surface of said housing" lacks antecedent basis. This rejection is overcome by the foregoing amendments.

The foregoing is believed to be fully responsive to the Final Office Action dated November 19, 2002. For the reasons set forth above, the present application is believed to be in condition for allowance. Reconsideration of the application is requested, and allowance of the claims at an early date is courteously solicited.

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